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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/394,840	09/13/1999	VOLKER BAUM	P99.1620	4964

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SCHIFF HARDIN & WAITE
Patent Department
6606 Sears Tower
Chicago, IL 60606-6473

EXAMINER

HEWITT II, CALVIN L

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/394,840

Applicant(s)

BAUM ET AL.

Examiner

Calvin L Hewitt II

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Status of Claims

1. Claims 1-20 have been examined.

Response to Amendment/Arguments

2. Applicant is of the opinion that the claimed method is not obvious in view of the combined prior art of Sansone et al. and Abumehdi et al.. The Examiner respectfully disagrees. The phrase "status report of memory location occupancy by said service data in said memory" is understood by one of ordinary skill as merely a *status report of the service data*, where the service data (i.e. rate) is stored in computer memory. A feature clearly taught by Sansone et al. as Sansone teaches a status report "check rate update" that whether the user device has the last and most recent rate updates ('827, column 9, lines 45-65). Based on the status report the data center forms recommendations for a future status (i.e. status of the memory location after the updates) of the service data (or equivalently the memory location that stores the service data) ('827, column 9, lines 45-50). The recommendations being whether the service device has the last rate update *and* the most recent rate update (Note, the last and most recent are not always the same, for example, the last transmitted update might be for

rates A, B, and C, however the most recent and not yet transmitted rate change might only be for rate B. Therefore, a user device would have to receive two transmissions in order to receive all the rate changes.). The Applicant also contends that the prior art of Abumehdi et al. is invalid as it is silent regarding a "data center". However, this point is moot, as a data center is clearly taught by Sansone et al. ('827, figure 1) and one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references (*In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986)). Regarding "feasibility", Webster's Ninth New Collegiate Dictionary defines "feasible" as "capable of being done". Therefore, as Abumehdi et al. teach updating rate information into a memory location only if the date is correct ('662, column 4, lines 48-61), the prior art clearly determines feasibility as to memory location occupancy in said memory.

A new 112 rejection has been applied to the claim 1 to address a conflict between original language and newly added language.

The Examiner maintains the 103 rejection to claims 1-20.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 10-17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sansone et al., U.S. Patent No. 5,008,827 in view of Abumehdi et al., U.S. Patent No. 5,743,662.

As per claims 1 and 11, Sansone et al. teach a method for remotely updating data in a service device comprising:

- a service device (column/line 11/10/45-11/23) memory for forming a status report (abstract; column 9, lines 5-49)
- establishing a communication between the device and a remote data center and transmitting said status report to the remote data center (abstract; figures 1 and 3A-B; column 9, lines 8-15)
- the data center forming a recommendation based on the status report regarding the service device memory (column 9, lines 45-54)

- loading service data, communicated from the data center to the service device, according to the recommendation (column 9, lines 49-54)

However, Sansone et al. do not specifically recite checking the recommendation for feasibility at the device. Abumehdi et al. teach loading a service data recommendation to a service device from service device memory (figure 1; column 3, lines 35-58) wherein the device checks the service data recommendation for feasibility prior to loading the service data recommendation from memory (column 4, lines 48-61). Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Sansone et al. and Abumehdi et al. in order to allow postage meter (i.e. service device) operators to obtain postage rate data (i.e. date sensitive service data recommendation) prior to, and not use until, the data is in effect ('662, column 4, line 57-61).

As per claims 2, 3, 12 and 13, Sansone et al. ('827, figure 1) and Abumehdi et al. ('662, figure 1) teach service devices as postage meters that comprise memory for storing current rate data (i.e. service data). Abumehdi et al. teach additional memory for storing updates ('662, figure 1; column 3, lines 29-50), determining feasibility based on current service data stored in memory (column 4, lines 50-55), transmitting new service data along with a conversion date ('662, column 4, lines 37-53) and automatically updating service data according to the conversion date ('662, column 4, lines 37-61). Abumehdi et al.

also teach conveying error messages to a user if a check results in non-feasibility and storing service data in memory if feasibility results ('662, column 4, lines 36-61) while Sansone et al. teach collating device memory by a data center in order to make a service data recommendation ('827, column 9, lines 45-55) and forming request data in a service device ('827, column 9, lines 8-11). Regarding claim 3, Sansone et al. teach a user/service device making a data request and the data center being able to provide for (e.g. recommendations) said request ('827, abstract; column 8, lines 35-68; column 9, lines 45-55), hence there exists a correspondence between the service device memory and data center memory. Abumehdi et al. teach automatically updating service data according to the conversion date ('662, column 4, lines 37-61). To one of ordinary skill, making such a process periodic would have been an obvious automation of a known process in light of the art of updating rate tables as they apply to government and/or regulated business processes (*In re Venner*, 262 F.2d 91, 95, 120 USPQ 192, 196 (CCPA 1958)).

As per claims 4-6 and 14-16, Abumehdi et al. teach determining whether to update memory stored in a service device by comparing an effective or conversion date with a date stored (distinct from memory that stores service data) in the service device. To one of ordinary skill, this feature of the Abumehdi et al. system represents an electronic calendar module that continuously emits

signals identifying a current date, otherwise the new rate information (service data) would never be loaded ('662, column 4, lines 37-61).

As per claims 7 and 17, Sansone et al. ('827, figure 1; column 8, lines 54-58) and Abumehdi et al. ('662, figure 1) teach service devices as postage meters that comprise memory for storing current rate data (i.e. service data). Hence, both references disclose service devices that perform postage calculations based on postage rates.

As per claims 10 and 20, Sansone et al. teach a data center loading data from a remote data center to a service device over a high-speed communication link (abstract; figure 1; column 4, lines 60-63; column 7, lines 15-21). Specifically, Sansone et al. disclose the use of "suitable data transmission techniques" in order to transmit data over high-speed networks (column 15, lines 1-5). Therefore, it would have been obvious to one of ordinary skill to use a well-known method such as data compression in order to more efficiently manage traffic over said network.

5. Claims 8, 9, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sansone et al., U.S. Patent No. 5,008,827 and Abumehdi et al., U.S. Patent No. 5,743,662 as applied to claim 7 above, and further in view of Freestone et al., U.S. Patent No. 5,943,657.

As per claims 8, 9, 18 and 19, Sansone et al. and Abumehdi et al. teach systems and methods for updating rate and other postal data in a postage meter ('827, abstract, figures 1 and 4, column 8, lines 53-58; column 9, lines 45-55; '662, abstract; column 4, lines 36-61). However, neither Sansone et al. nor Abumehdi et al. specifically recite a plurality of proposals in a list. Freestone et al. teach storing a plurality of rates and listing the most meaningful first (column 8, lines 23-30). Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Sansone et al., Abumehdi et al. and Freestone et al. in order to allow update rate data to be processed in a more efficient manner by avoiding the implementation of a "sort" or "search" routine to find the next rate update.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (571) 272-6709. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (571) 272-6712.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
c/o Technology Center 2100
Washington, D.C. 20231

or faxed to:

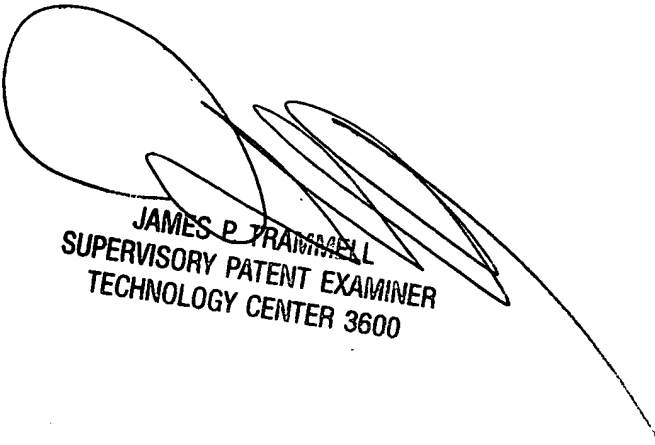
(703) 305-7687 (for formal communications intended for entry and after-final communications),

or:

(571) 273-6709 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Calvin Loyd Hewitt II

May 5, 2005



JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600